

SENATE BILL 7084

By Taylor

AN ACT to amend Tennessee Code Annotated, Title 37;
Title 40 and Chapter 264 of the Public Acts of
2023, relative to juvenile offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-134(a), is amended by deleting "After a petition has been filed" and substituting "Except as provided in subsection (l), after a petition has been filed".

SECTION 2. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(ii), is amended by deleting "seventeen (17)" and substituting "sixteen (16)".

SECTION 3. Tennessee Code Annotated, Section 37-1-134(c), is amended by deleting "The transfer pursuant to subsection (a)" and substituting "A transfer pursuant to subsection (a) or subsection (l)".

SECTION 4. Tennessee Code Annotated, Section 37-1-134, is amended by deleting subsection (l) and substituting:

(l)

(1) After a petition has been filed alleging delinquency based on conduct that is designated a crime or public offense under the laws of this state, the court, before hearing the petition on the merits, shall transfer the child to the sheriff of the county to be held according to law and dealt with as an adult in the criminal court of competent jurisdiction, and the disposition of the child shall be as if the child were an adult if:

(A) The child was sixteen (16) years of age or more but less than eighteen (18) years of age at the time of the alleged conduct and charged with one (1) or more of the following offenses:

- (i) First degree murder;
- (ii) Second degree murder;
- (iii) Rape;
- (iv) Aggravated rape;
- (v) Rape of a child;
- (vi) Aggravated rape of a child;
- (vii) Aggravated robbery;
- (viii) Especially aggravated robbery;
- (ix) Aggravated burglary;
- (x) Especially aggravated burglary;
- (xi) Kidnapping;
- (xii) Aggravated kidnapping;
- (xiii) Especially aggravated kidnapping;
- (xiv) Commission of an act of terrorism;
- (xv) Carjacking; or
- (xvi) An attempt to commit an offense described in this

subdivision (m)(1)(A);

(B) A probable cause hearing is held in conformity with §§ 37-1-124, 37-1-126, and 37-1-127;

(C) Reasonable notice in writing of the time, place, and purpose of the probable cause hearing is given to the child and the child's parents,

guardian, or other custodian at least fourteen (14) days prior to the hearing; and

(D) The court finds that there is probable cause to believe that:

(i) The child committed the delinquent act as alleged; and

(ii) The child is not committable to an institution for the developmentally disabled or mentally ill.

(2) The district attorney general shall not seek, nor shall any child transferred under this subsection (l) receive, a sentence of death or mandatory life without the possibility of parole for the offense for which the child was transferred.

(3)

(A) The criminal court, or court having criminal jurisdiction, shall review a juvenile court's determination pursuant to subdivision (l)(1) upon motion by either party.

(B) If appealed, the clerk of the juvenile court shall file the record on appeal no later than fifteen (15) days after the entry of the juvenile court's order.

(C) The criminal court or court having criminal jurisdiction shall conduct a de novo review of the juvenile court's determination, and the court's review must be expedited. The review by the criminal court or court having criminal jurisdiction is a review of the record only and must be conducted without an evidentiary hearing.

(D) The state shall serve and file a brief no later than fifteen (15) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction. Counsel for the child

shall serve and file a brief within fifteen (15) days after the state's brief is filed with the clerk. Reply briefs are not permitted. The criminal court or court having criminal jurisdiction must issue a decision within forty-five (45) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction.

(E) If an appeal is filed pursuant to this subsection (I), then the juvenile court's jurisdiction over the alleged delinquent conduct under de novo review by the criminal court or court having criminal jurisdiction pursuant to this subsection (I) is automatically stayed until the review by the criminal court or court having criminal jurisdiction is completed.

SECTION 5. This act takes effect October 1, 2023, the public welfare requiring it.